

Comment and Response

Comment: "...there is widespread concern among scientific staff that the new contract could undermine the future effectiveness of LBNL. The concern is that requirements in the RFP may induce UC to create a separate, lesser benefits program for LBNL staff rather than continuing them in the current system wide UC program. The perception that LBNL employees might be treated differently than other UC employees under the new contract would seriously undermine the conditions that have allowed Berkeley Physics to flourish. The goal must be continued equal treatment for lab and campus employees, to ensure that LBNL continues its partnership of excellence with the UC campuses."

Response: Should UC submit a proposal, there is no provision in the RFP that would require UC to establish "a separate, lesser benefits program for LBNL staff rather than continuing them in the current system wide UC program." In fact, the RFP provides that, if UC proposes and is selected, the University of California Retirement Plan (UCRP) would continue to be applicable (see Clause H.41). It is true, however, that Clause H.21(f) of the RFP does require any other proposer, if selected, to establish or maintain a separate pension plan for LBNL. However, H.21(f) is expressly inapplicable to the situation where UC remains the contractor for LBNL. Moreover, if a new contractor is selected, its plans would have to both preserve accrued benefits and recognize service credit earned under UCRP [Clause H.21(f)]. Furthermore, Clause H.21(d) requires all offerors, including UC, to provide salaries, health/welfare benefits, and pensions comparable to that currently provided. Finally, the Clause H.21(e) requirements for a benefit-value study and a cost study only provide the Contracting Officer with tools to assess cost reasonableness and do not, themselves, preclude a contractor's participation under a corporate benefits program. The Contracting Officer's determination of an appropriate benefits target/index requires the consideration of many factors, including impact on recruitment and retention, feasibility of making changes under a corporate benefits structure, comparator indexes, applicable timeframe, etc.

Question and Answer

Question: The Solicitation No. shown in Volume IV – Section K Representations, Certifications, and Other Statements of Bidders/Offerors is DE-RP02-04CH11231 instead of DE-RP02-05CH11231. Should we change the “04” to “05”? Should Section K be amended as a result of the changes made from Amendment S004?

Answer: Yes, Offerors should change the Solicitation No. in their offer to reflect the “05” number. With regard to the second question, Amendment S004 has already amended Section K. A conformed version of the RFP through Amendment S004 will be posted to the RFP website prior to the closing date.

Question and Answer

Question: Reference Section K, Item 4., Facility Clearance (MAY 2002)(DEAR 952.204-73). Please confirm that the SF 328 does not have to be included with the proposal if the Offeror is providing the DOE Facility Clearance code or DOD assigned commercial and government entity (CAGE) code.

Answer: The SF 328 does not have to be included with the proposal if the Offeror provides a DOE Facility Clearance code or DOD CAGE code.

Question and Answer

Question: If an Offeror is responding to Section K.25, I.(c)(2), “Certificate of Previously Submitted Disclosure Statement”, is a copy of the CAS Disclosure required for Volume III, or only the information provided in Volume IV, Section K.25., date and name and address of cognizant ACO or Federal Official where filed?

Answer: A copy of the CAS Disclosure Statement is not required to be submitted as part of Volume III if the Offeror has already submitted an applicable Disclosure Statement and has certified as such in I.(c)(2) of Section K.25 (FAR 52.230-1, Cost Accounting Standards Notices and Certification (JUN 2000)). For purposes of Volume III, only the date of the Disclosure Statement and the name and address of the cognizant ACO or Federal Official where the Disclosure Statement is filed is required.

Question and Answer

Question: Is Key Personnel financial data to be provided in Volume III?

Answer: Yes, Key Personnel costs, which includes relocation costs of moving key personnel and members of the household, personal belongings, and establishing permanent residence in California, regardless of whether key personnel relocation costs will be incurred during or after the two month transition period, should be provided in Volume III and are to be submitted in accordance with format prescribed in Section L, Appendix 3, Attachment 1.

Question and Answer

Question: Reference: Section H.41 (i) (3) “Notwithstanding termination for convenience or default, the contract may be extended as appropriate for purposes deemed necessary by the Contracting Officer, including, but not limited to, obligating funds to pay the Contractor for costs incurred for the Contractor's existing and, if applicable, follow-on, site pension and welfare benefit plans.” Question: Does the word “may” mean that it is the intent of the DOE to reimburse the allowable costs discussed in this clause, subject to the availability of appropriated funds and in accord with the anti-deficiency act.

Answer: The word "may" simply refers to the authority reserved to DOE to extend the contract if deemed necessary if there is a termination; whether for convenience or default. If such an extension occurs, the clause specifically states that such an extension could be used for the purpose of "obligating funds to pay Contractor" The last sentence of Clause H.41(i)(3) states: "Such costs shall continue to be allowable in accordance with applicable laws and regulations. Obligation of funds is governed by Clause I.104(a) which states in part: "The amount presently obligated by the Government with respect to this contract is" A contractor's obligation to continue to perform is subject to the amount obligated; see Clause I.104(c). Increases in the amount obligated by the Government are based on amounts appropriated by Congress.